



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.039

**TITLE:**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER  
304, ("TAXATION") ARTICLE V, ("HOTEL OCCUPANCY TAX") TO INCLUDE  
§304-27.2 DEFINITIONS**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN

A. The following amendments and supplements to Chapter 304 Taxation, Article V, Hotel Occupancy Tax, are adopted.

**Article V  
Hotel Occupancy Tax**

§304-25. No change.

§304-26. Tax imposed.

There is hereby imposed a six percent tax on charges for the use or ~~fee~~ occupancy of rooms in hotels as authorized by the "Hotel and Motel Occupancy Tax Act," N.J.S.A. 40:48E-1, et seq., as amended in 2006 by N.J.S.A. 40:48E-c. This tax shall be in addition to any and all real estate (ad valorem) taxes or services charges; the tax imposed by the "Sales and Use Tax Act," N.J.S.A. 54:32B-1 et seq; or any other fee, charge or tax imposed by law.

§304-27. No change.

§302-27.1. No change.

§ 304-27.2. Definitions.

"Hotel" shall mean a building or portion of it which is regularly used and kept open as such for the lodging of guests, whether or not meals are served, and also includes, but is not limited to an apartment hotel, bed and breakfast, motel, inn, boarding house, rooming house, condotel, a home, apartment, house, condo or dwelling irrespective of whether there is a permanent resident residing in the building, and any other sleeping accommodations that are available to the public on a transient basis.

§304-27.3. Compliance with other laws.

A. This ordinance shall be administered in the same manner as the state occupancy fee including but not limited to the entitlement to any exemptions, all in accordance with N.J.S.A. 54:32D-1 et seq., N.J.S.A. 54:32B-1 et seq. and N.J.A.C. 18:24-3.1 et seq. as applicable.

B. The payment or collection of this occupancy fee does not in any way condone, exempt or supercede the property in use from compliance with all other building, zoning, insurance or any other governmental agency law or regulation.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER  
304, ("TAXATION") ARTICLE V, ("HOTEL OCCUPANCY TAX") TO INCLUDE  
§304-27.2 DEFINITIONS**

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertisement only, new material is indicated by **boldface** and repealed matter in *italics*

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Business Administrator

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.039

TITLE: 3.A MAR 25 2015 4.A APR 08 2015

An ordinance amending and supplementing Chapter 304,  
("Taxation") Article V, ("Hotel Occupancy Tax") to  
include §304-27.2 definitions.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">MAR 25 2015 8-1</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">APR 08 2015 8-0</span>											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

YVONNE GALCER  
JARL HAUGEDAL  
DANIEL SICARDI  
CAROLYN KOLOBARIS  
JAYSON BURG

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">APR 08 2015 8-1</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 25 2015

Adopted on second and final reading after hearing on APR 08 2015

This is to certify that the foregoing Ordinance was adopted by  
the Municipal Council at its meeting on APR 08 2015

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

APR 08 2015

APPROVED:

Steven M. Fulop, Mayor

Date

APR 09 2015

Date to Mayor

APR 09 2015

City Clerk File No. \_\_\_\_\_ Ord. 15.041

Agenda No. \_\_\_\_\_ 3.C \_\_\_\_\_ 1st Reading

Agenda No. 4.B \_\_\_\_\_ 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.041

**TITLE**  
**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS  
TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT  
AND SIZE EXCEPTIONS FOR ROOFTOP APPURTENANCES**

**WHEREAS**, the Municipal Council, pursuant to N.J.S.A. 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

**WHEREAS**, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

**WHEREAS**, the Land Development Ordinance limits the height and size of rooftop appurtenances; and

**WHEREAS**, roof decks are an increasingly popular building amenity in Jersey City, and accessing them through a stair or elevator does require some sort of space through which to pass; and

**WHEREAS**, in order to prevent these areas from becoming an additional story and additional living space, it is necessary to limit them in size; and

**WHEREAS**, Planning Staff and Board feel that one hundred square feet is a reasonable size limit in order to allow a functional space that will not become living space and will not impact neighboring properties; and

**WHEREAS**, the Municipal Council, pursuant to N.J.S.A. 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

**WHEREAS**, the Planning Board at its meeting of March 10, 2015 did vote to recommend that the Municipal Council adopt these amendments to the Supplementary Zoning section of the Land Development Ordinance; and

**WHEREAS**, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

**BE IT FURTHER ORDAINED THAT:**

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Robert D. Cotter, FAICP, PP, Director  
Division of City Planning

\_\_\_\_\_  
Business Administrator

**RESOLUTION FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT AND SIZE EXCEPTIONS FOR ROOFTOP APPURTENANCES**

**Initiator**

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Resolution Purpose**

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance (Zoning Ordinance) to limit the size of rooftop vestibules to one hundred square feet. This limit acknowledges the need for a space to pass through between stairs and elevators to access the outdoors, but caps the size of that space to eliminate the concern that it will become additional living space at a prohibited building height.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

  
3/13/15  
Date

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**Department of Housing, Economic Development & Commerce**  
**Division of City Planning**



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**Inter-Office Memorandum**

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**DATE:** March 11, 2015

**TO:** Council President Lavarro, Anthony Cruz, Bob Cotter

**FROM:** Kristin J. Russell, PP, AICP

**SUBJECT:** LDO amendment – Height Exceptions

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The “height exceptions” of the Land Development Ordinance recognizes that certain rooftop appurtenances exceed the height of the building, and places limits on the height and area of such spaces. These are generally mechanical, stair, and elevator bulkheads, as well as ventilation and cellular equipment.

As Jersey City sees an increase in rooftop amenity space (roof decks), it is important to zone properly for these uses.

It is understood that as one access a roof, there needs to be a space to pass through between stairwells/elevators and the outdoors – it is not typical to step directly from an elevator, for example, out into the elements.

The intent of this amendment is to limit the size of that space. Applicants have been increasingly asking for a large room(s) on the roof which we believe should qualify as an additional story. Therefore, Planning proposes limiting the size of that space to 100 square feet. This will allow reasonable space to transition between an elevator/stair and the outdoors without much risk of the space becoming additional substantial living space. Also, limiting the space to 100 square feet will ensure that neighbors will not be impacted by this feature.

# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT AND SIZE EXCEPTIONS FOR ROOFTOP APPURTENANCES**

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance (Zoning Ordinance) to limit the size of rooftop vestibules to one hundred square feet. This limit acknowledges the need for a space to pass through between stairs and elevators to access the outdoors, but caps the size of that space to eliminate the concern that it will become additional living space at a prohibited building height.

2/24/15

345-60

G. Height Exceptions.

1. Penthouses and roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning equipment, dust collectors or similar equipment required to operate and maintain the building as well as skylights, spires, cupolas, flagpoles, chimneys, water tanks or similar structures may be erected above the height limits prescribed by this Chapter but in no case more than the following distances above the maximum height permitted in the district, except spires for houses of worship shall have no height restrictions.

Building Height(feet)	Maximum Height of the Exceptions
Up to 45	10 feet
45 to 100	12 feet or 20% of building height, whichever is greater for buildings without common rooftop amenity space. For buildings with common rooftop amenity space, a total of 20 feet shall be permitted to accommodate elevator bulkheads and mechanicals.
101 and over	20 feet or 20% of building height, whichever is greater for buildings without common rooftop amenity space. For buildings with common rooftop amenity space, a total of 30 feet or 10% of building height, whichever is less shall be permitted to accommodate elevator bulkheads and mechanicals.

2. Any rooftop appurtenance **or penthouse** covered by this section must be set back from any front façade (primary or secondary) by a distance of one foot one inch for every foot of rooftop appurtenance **or penthouse** height.
3. Fire or parapet walls may be erected above the height limits prescribed by this Chapter up to a maximum height of 6 (six) feet from the roof of the top story and with a minimum of 42" from the floor of the rooftop deck, if provided.



4. Mechanical and other roof appurtenances shall not exceed twenty percent (20%) of the roof area and shall be properly shielded. ***Of this 20%, a maximum of one hundred (100) square feet may be used as access vestibules to and from points of egress.***
5. There is no coverage limit on roof decks used for residents' open space.
6. Where a property is located within the "One Percent (1%) Annual Chance Flood Hazard Area," the number of feet required to reach the base flood elevation plus one foot shall be added to the maximum permitted height of the building. This provision shall apply to all property within any regular zone district or within any duly adopted Redevelopment Plan Area. Where property is located within an Historic District, or where an Historic District and Redevelopment Plan overlap, this exception shall not apply.

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15,041

TITLE: 3.C MAR 25 2015 4.B APR 08 2015

Ordinance of the Municipal Council of the City of Jersey  
City adopting amendments to the Land Development  
Ordinance - supplementary zoning as it pertains to height  
and size exceptions for rooftop appurtenances.

RECORD OF COUNCIL VOTE ON INTRODUCTION MAR 25 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING APR 08 2015 9-0											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JAYSON BURG  
DAN SICARDI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE APR 08 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 25 2015

Adopted on second and final reading after hearing on APR 08 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 08 2015

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date APR 08 2015

\*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date APR 09 2015

APR 09 2015

Date to Mayor

City Clerk File No. Ord. 15.042

Agenda No. 3.D 1st Reading

Agenda No. 4.C 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.042

**TITLE:**  
**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS  
TO THE LAND DEVELOPMENT ORDINANCE – R-3 MULTI-FAMILY MID-RISE DISTRICT – TO ALLOW  
GROUND FLOOR RETAIL ON CERTAIN LOTS**

**WHEREAS**, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

**WHEREAS**, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

**WHEREAS**, the Land Development Ordinance regulates uses in all zones, including the R-3 Multi-Family Mid-Rise District; and

**WHEREAS**, adding ground floor retail to limited lots in the district will add a benefit to these areas and is not expected to intrude on the existing character of the area; and

**WHEREAS**, Planning Staff outlined that by allowing this use only in new construction on corner lots with over fifty feet of frontage, the impacts will be negligible and only a limited number of lots in the City will qualify; and

**WHEREAS**, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and


**WHEREAS**, the Planning Board at its meeting of March 10, 2015 did vote to recommend that the Municipal Council adopt these amendments to the R-2 District of the Land Development Ordinance; and

**WHEREAS**, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

**BE IT FURTHER ORDAINED THAT:**

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

  
Robert D. Cotter, FAICP, PP, Director  
Division of City Planning

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: 

APPROVED: 

Business Administrator

**RESOLUTION FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – R-3 MULTI-FAMILY MID-RISE DISTRICT – TO ALLOW GROUND FLOOR RETAIL ON CERTAIN LOTS**

**Initiator**

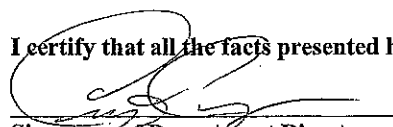
Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Resolution Purpose**

This Ordinance will amend the R-3 Multi-Family Mid-Rise District to allow ground floor retail in new construction on corner lots with more than fifty feet of frontage. There are limited lots which will meet these standards.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

  
3/12/15  
Date



# City Council Replacement Cover Sheet

Submitted By	Kristin Russell
Department	City Planning
Date Submitted	3/24/15
Pls. note Revisions and Page Number	No change to code amendment text. Change to Ordinance, 7th "whereas" corrected to reference R-3 zone.

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**Department of Housing, Economic Development & Commerce**  
**Division of City Planning**



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**Inter-Office Memorandum**

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**DATE:** March 11, 2015  
**TO:** Council President Lavarro, Anthony Cruz, Bob Cotter  
**FROM:** Kristin J. Russell, PP, AICP  
**SUBJECT:** LDO amendment – R-3 district uses

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The proposed amendment adds ground floor retail as a permitted use on certain lots in the R-3 Multi-Family Mid-Rise district.

This amendment was initiated by the need to include ground floor retail in the conceptual plans for the new Puccini's site. Planning staff then evaluated the context of the R-3 district city-wide to come up with the proposed amendments.

It is our conclusion that ground floor retail would be appropriate in *new* construction on *corner* lots with more than *fifty* feet of frontage. By imposing these limitations, retail will not be able to intrude on mid-block buildings where the character of the neighborhood will be significantly affected. Rather, new buildings on large lots already establish a new presence and adding small retail to that space will not be intrusive.

Therefore, we believe that this will be a positive change.

# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – R-3 MULTI-FAMILY MID-RISE DISTRICT – TO ALLOW GROUND FLOOR RETAIL ON CERTAIN LOTS**

This Ordinance will amend the R-3 Multi-Family Mid-Rise District to allow ground floor retail in new construction on corner lots with more than fifty feet of frontage. There are limited lots which will meet these standards.

*345-42. R-3- MULTI-FAMILY MID-RISE DISTRICT*

A. Purpose.

The purpose of the multi-family mid-rise district is to provide for a broad range of multi-family housing in areas served by arterial streets, mass transit, neighborhood commercial uses and community facilities.

The purpose of this zone is to relate the building to the street and not create the type of development that centers the tower in a sea of parking, disconnecting the building from the street.

The multi-family mid-rise district contains mid-rise buildings of 3 to 8 stories.

B. Permitted principal uses are as follows:

1. Mid-rise apartment buildings. (see 345-6 for definition)
2. Townhouses with no less than three dwelling units.
3. Three and four family detached dwellings
4. Houses of worship.
5. Parks and playgrounds.
6. Essential services.
7. Schools.
8. Governmental uses.
9. Office uses, including medical offices for no more than two practitioners, as part of the ground floor of mid-rise apartment buildings along John F. Kennedy Boulevard.
10. Assisted living residences.
11. Nursing homes.
12. Senior housing.
13. ***Ground floor retail, limited to new construction on corner lots***

C. Uses incidental and accessory to the principal use, such as:

1. Private Garages
2. Off-street parking
3. Fences and walls
4. Meeting rooms, cafeterias, recreation areas and similar uses normally associated with schools, houses of worship and other public buildings.
5. Home Occupations
6. Swimming pools
7. Recreation areas as part of residential developments
8. Signs

D. Conditional Uses

1. Mortuaries

E. Bulk Standards for Townhouses, 3- & 4-Family Detached Dwellings, and Mid-Rise



## Apartments:

## 1. Required Lot Size:

- a) Any lot existing at the time of adoption of this Ordinance with an area of at least 2,000 square feet shall be considered conforming, provided that such lot is isolated (i.e., no adjacent, vacant lot(s) exist) and provided that it is not held in common ownership with any adjacent lot/parcel fronting on the same street.
- b) Lots with an area of 6,000 square feet or more and a width of at least 60 feet shall not be subdivided without application to a land use board for variance approval.
- c) Townhouses with three (3) or four (4) dwelling units are permitted on isolated lots, or lots approved by subdivision, with an area of at least 2,000 square feet, but not more than 3,000 square feet, and where the existing houses on both adjacent lots are built to the side lot line(s). (use location of single adjacent house for corner lots)
- d) Detached 3- and 4-family dwellings are permitted on isolated lots, or lots approved by subdivision, with an area from 2,500 square feet to 6,000 square feet where existing houses on either or both adjacent lots are not built to the side lot line(s).
- e) Mid-rise apartment buildings are permitted on any lot 6,000 square feet or greater provided all bulk and parking standards are met.

<b>LOT DIMENSIONS</b>	<b>LOT SIZE</b>	<b>Max. dwelling units/acre *</b>	<b># of D.U.'s *</b>
<b>60x100</b>	<b>6,000</b>	<b>60</b>	<b>8</b>
	<b>7,000</b>	<b>65</b>	<b>10</b>
	<b>75x100</b>	<b>70</b>	<b>12</b>
	<b>8,000</b>	<b>75</b>	<b>14</b>
	<b>9,000</b>	<b>80</b>	<b>17</b>
<b>100x100</b>	<b>10,000</b>	<b>85</b>	<b>20</b>
	<b>11,000</b>	<b>90</b>	<b>23</b>
	<b>12,000</b>	<b>95</b>	<b>26</b>
	<b>13,000</b>	<b>100</b>	<b>30</b>
	<b>14,000</b>	<b>105</b>	<b>34</b>
	<b>15,000</b>	<b>110</b>	<b>38</b>
	<b>16,000</b>	<b>115</b>	<b>42</b>
	<b>17,000</b>	<b>120</b>	<b>47</b>
	<b>18,000</b>	<b>125</b>	<b>52</b>
	<b>19,000</b>	<b>130</b>	<b>57</b>
<b>100x200</b>	<b>20,000</b>	<b>135</b>	<b>62</b>
	<b>21,000</b>	<b>140</b>	<b>67</b>
	<b>22,000</b>	<b>145</b>	<b>73</b>

\*applicable density for any interim lot size shall apply and may be calculated as needed, rounding down for fractions less than 0.5 and up for fractions of 0.5 or greater.

**Lots with greater than 22,000 sf shall be capped at 145 units per acre.**

## 3. Minimum Lot Width:

- a) Townhouses: 20 feet
- b) Three and Four Family Detached Dwellings: 25 feet
- c) Mid-Rise Apartment Buildings: 60 feet
- d) ***Any use with ground floor retail: minimum lot width shall be fifty feet (50') or the minimum for the use, whichever is greater.***

## 4. Minimum Lot Depth: 100 feet

## 5. Required Front Yard:

- a) Townhouses: Predominant setback shall apply
- b) Three and Four Family Detached Dwellings:

Front yard setback shall match the setback of the Primary Building Façade of the closest permitted use on either side of the subject parcel, provided that the building setback to be matched shall be closest to the predominant (most frequently occurring) setback on the blockfront. A current signed and sealed survey of the subject property showing adjacent building setbacks on both sides along with photos showing the entire blockfront to the left and right of the subject property must be provided to the Zoning Officer as part of the application for a building permit. (see Article I for definition of Primary Building Façade)

- c) Mid-Rise Apartment Buildings: shall match the front yard setback of the primary building façade of adjacent building(s), if any, or a minimum of 5 feet and a maximum of 10 feet shall apply if no adjacent building.

## 6. Minimum Rear Yard:

- a) Townhouses: 30 feet
- b) Three and Four Family Detached Dwellings: R-1 standards for One & Two Family Dwellings shall apply
- c) Mid-Rise Apartment Buildings: Ground floor or single floor partially above grade parking garages may be built to the rear lot line in accordance with height restrictions (see 8.c below), and all floors above the garage shall provide a minimum of 30 feet.

## 7. Required Side Yard:

- a) Townhouses: 0 required (i.e., must be built to the side lot line) except 3 feet required if there is an adjacent house with windows along the side wall, starting from one (1) foot before the frontmost existing window;
- b) Three and Four Family Detached Dwellings: minimum 2 feet one side, 3 feet other side, 5 feet total both sides on lots less than 37 feet in width; minimum 5 feet on each side on lots 37 feet in width or greater.
- c) Mid-Rise Apartment Buildings: parking garage level(s) may be built to the side lot line, and residential floors shall provide a minimum of five (5) feet on each side.

## 8. Minimum and Maximum Building Height:

- a) Townhouses & Three and Four Family Detached Dwellings: 3 stories minimum and 4 stories & 42 feet maximum including above-grade parking level, and a minimum floor to ceiling height of 9 feet for above-grade entirely residential floors, and a maximum floor to ceiling height of 8 feet for a parking level and any residential unit located on the same level as parking.
- b) Mid-Rise Apartment Buildings: 3 stories minimum and 8 stories and 85 feet maximum including above-grade parking levels, and a minimum floor to ceiling height of 9 feet for all residential floors, and a maximum floor to ceiling height of 8 feet for a parking level and any residential unit located on the same level as parking.
- c) No wall/elevation of any parking structure connected to a mid-rise apartment building shall rise more than 10 feet above the existing grade.

## 9. Maximum Building Coverage:

- a) Townhouses & Three and Four Family Detached Dwellings: 60%;
- b) Mid-Rise Apartment Buildings – up to 100% building coverage shall be permitted only for a parking garage level at grade or partially below grade and where the front yard standard requires between 0 and 4.99 feet (see front yard standard); 65% for all residential floors above the garage on lots of 10,000 square feet or less; and 75% for all residential floors on lots over 10,000 square feet

## 10. Maximum Lot Coverage:

- a) Townhouses & Three and Four Family Detached Dwellings: 80%
- b) Mid-Rise Apartment Buildings: up to 100% lot coverage shall be permitted only for a parking area or parking garage at grade or partially below grade and where the front yard setback standard requires between 0 and 4.99 feet (see front yard standard) and where buffer requirements allow; 75% if parking is entirely below grade

## 11. Maximum Accessory Building Height: 15 feet

## 12. Minimum Accessory Building Setbacks:

Rear yard: 3 feet  
Side yard: 2 feet

## F. Parking Standards for Townhouses & Three and Four Family Detached Dwellings:

### 1. On lots less than 37 feet in width the following shall apply:

- a) Parking is not required; a maximum of two (2) spaces are permitted
- b) Maximum width of curb cut: 10 feet; Maximum width of driveway: 10 feet; Maximum garage door width: 10 feet; only a single curb cut is permitted along the front property line.

- c) All parking shall be contained within the building envelope and spaces may be located one behind the other
- d) On corner lots, a parking garage located at the rear of the building may be accessed through the rear yard via a single 10 feet wide curb cut, or two garage doors may be located along the rear portion the long side of the building and two 10 feet wide driveways shall be separated by a 2 feet wide pier and a curbed landscape bed.

2. On lots 37 feet in width or greater the following shall apply:

- a) One (1) space per dwelling unit is required
- b) Garage doors shall not face the front of the lot.
- c) Except on corner lots, parking spaces shall be accessed by a single driveway, running from the front of the property along the side of the house, and the spaces shall be located either in the rear yard or in a garage, but not both.
- d) On corner lots, parking shall be accessed through the rear yard via a single curb cut.

3. Where there is construction of two or more homes with permitted driveways on adjacent lots, new driveways shall be located so as to maximize on-street parking space; no existing street tree shall be removed to create a driveway without prior approval by the Jersey City Division of Parks & Forestry. Prior to approving any plan to remove a tree to create a driveway it shall be demonstrated that no other way to construct the driveway is feasible under the construction code.

#### G. Parking Standards for Mid-Rise Apartment Buildings:

- 1. None for efficiency units
- 2. 0.5 space for 1 bedroom units
- 3. 1.0 space for units with 2 or more bedrooms
- 4. Office uses where permitted: none
- 5. A minimum 10 feet wide vegetative landscape buffer is required between on-site surface parking areas for mid-rise apartment buildings and any adjacent residential zones of lower density than R-3 (includes R-2, R-1, R-1A, R-1F, and any other zones of similar low density yet to be adopted).

#### H. *Parking Standards for Retail: one space per six hundred (600) square feet, excluding the first five thousand (5,000) square feet of retail floor area.*

I. ~~Buff~~ **Bulk** and Parking Standards for Houses of Worship, schools and Governmental Uses, see R-1 Bulk and Parking Standards

J. Bulk and Parking Standards for Assisted Living Residences, Nursing Homes and Senior Housing. See R-1 Bulk and Parking Standards.

#### K. Conditional Use Standards

- 1. Mortuaries - See R-1 Conditional Use Standards.

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.042

TITLE: 3.D MAR 25 2015 4.C

APR 08 2015

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Land Development Ordinance - R-3 multi-family mid-rise district to allow ground floor retail on certain lots.

RECORD OF COUNCIL VOTE ON INTRODUCTION MAR 25 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING APR 08 2015 9-0											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JAYSON BURG

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE APR 08 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 25 2015  
Adopted on second and final reading after hearing on APR 08 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 08 2015

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

APR 08 2015

APPROVED:

Steven M. Fulop, Mayor

Date

APR 09 2015

APR 09 2015

Date to Mayor

City Clerk File No. Ord. 15.043

Agenda No. 3-E 1st Reading

Agenda No. 4.D. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.043

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING  
AMENDMENTS TO THE VILLAGE REDEVELOPMENT PLAN TO PERMIT TOWNHOUSES**

**WHEREAS**, the Municipal Council of the City of Jersey City adopted the Village Redevelopment Plan in January 1980, amended the Plan multiple times, most recently on September 23, 2014; and

**WHEREAS**, the Planning Board, at its meeting of March 10, 2015, determined that the Village Redevelopment Plan would benefit from an amendment to permit townhouses; and

**WHEREAS**, townhouses are in keeping with the existing character of the block; and

**WHEREAS**, it appears that this omission was made with part of a 2013 amendment and the intent was to permit attached homes; and

**WHEREAS**, a copy of the Planning Board's recommended amendments to the Village Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Village Study Area Redevelopment Plan be, and hereby are, adopted.

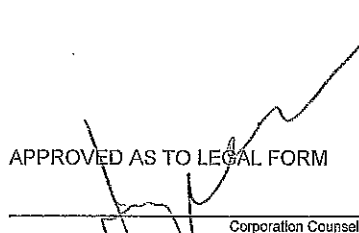
**BE IT FURTHER ORDAINED THAT:**

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.



Robert D. Cotter, PP, FAICP  
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: 

APPROVED: 

Business Administrator

**RESOLUTION FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE VILLAGE STUDY AREA REDEVELOPMENT PLAN TO PERMIT TOWNHOUSES**

**Initiator**

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Resolution Purpose**

This ordinance modifies the Village Redevelopment Plan to list "townhouses" as permitted uses. It appears that omitting this use was an oversight when 2013 glossary amendments were made. Therefore, this amendment is a corrective change.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

  
3/12/15  
Date

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**Department of Housing, Economic Development & Commerce**  
**Division of City Planning**



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**Inter-Office Memorandum**

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**DATE:** March 11, 2014

**TO:** Council President Lavarro, Anthony Cruz, Bob Cotter

**FROM:** Kristin J. Russell, PP, AICP

**SUBJECT:** Village Redevelopment Plan amendment

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The amendments before you for the Village Redevelopment Area will modify the permitted principal uses to include "townhouses".

The existing plan does imply that townhouses would be permitted, however the language used is based on old definitions that are no longer part of the city code. By adding the word "townhouses" into the plan it will be clear that this housing type is permitted.

The character of the blocks is certainly conducive to townhomes, and many attached dwellings already do exist in the Village Redevelopment Plan area. This appears to be more of an error to be clarified than an actual change.



Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY  
CITY ADOPTING AMENDMENTS TO THE VILLAGE STUDY AREA  
REDEVELOPMENT PLAN TO PERMIT TOWNHOUSES**

This ordinance modifies the Village Redevelopment Plan to list “townhouses” as permitted uses. It appears that omitting this use was an oversight when 2013 glossary amendments were made. Therefore, this amendment is a corrective change.

# **VILLAGE REDEVELOPMENT PLAN**

JANUARY, 1980  
AMENDED: JUNE, 1980  
AMENDED: NOVEMBER, 1983  
AMENDED: JANUARY 13, 1999 : Ord 98-167  
AMENDED: NOVEMBER 22, 2005 : Ord 05-160  
AMENDED: AUGUST 20, 2008: Ord 08-121  
AMENDED: March 10, 2010: Ord 10-028  
AMENDED: April 13, 2011: Ord 11-042  
Block & Lot Updates October 19, 2012  
AMENDED: September 11, 2013: Ord 13-094  
AMENDED: September 23, 2014: Ord 14-108  
*Proposed 2/25/15*

CITY OF JERSEY CITY  
DIVISION OF CITY PLANNING

I. DESCRIPTION OF PROJECT

No change

II. REDEVELOPMENT PLAN GOALS AND OBJECTIVES

No change

III. TYPES OF PROPOSED REDEVELOPMENT ACTIONS

No change

IV. BUILDING DESIGN OBJECTIVES FOR NEW CONSTRUCTION

No change

V. SPECIFIC OBJECTIVES\

No change

VI. GENERAL PROVISIONS

No change

VII. GENERAL LAND USE PLAN

A) Land Use Provisions and Building Requirements

a. Permitted Principal Uses

- ~~1 and 2 family dwellings~~ **Townhouses**, except on Newark Avenue
- 3 family dwelling on corner lots.
- Apartment buildings, limited to block 11110
- Retail sales, Medical Offices, restaurants (categories one and two), and/or Professional Offices and related services required on the ground floor and permitted on the 2<sup>nd</sup> floor of Apartment Buildings on Newark Avenue. Ground floor frontage is prohibited on First Street.

b. Permitted Accessory Uses

- Private garages

- Off-street parking
- Recreation areas as part of a residential development
- Fences and walls
- Designed open space

**B) Regulations, Controls, and Design Guidelines**

- a. Buildings shall be designed so that their appearances reflect the historic development patterns of the older mixed-use buildings on Newark Avenue. All new construction and/or exterior improvements to mixed use buildings shall be designed so as to be harmonious with the neighboring buildings in terms of material, height, scale, façade proportions, window patterns, decorative features, floor-to-ceiling heights where appropriate, and architectural styles.
- b. At the top of the base, a visual cue or indicator such as belt coursing, a change in glass-to-solid ratio, or any other indicator consistent with the design, proportions, and materials of the base shall be provided.
- c. The roofline of the structure shall be designed with architectural features in harmony with that of the adjacent buildings.
- d. Buildings shall be designed utilizing primarily brick and masonry materials on all sides to form a compatible overall architectural scheme. No EFIS is permitted.
- e. All streetfront facades shall be treated as primary facades, with high-quality materials, architectural detail, windows quantity and proportion, and with respect to the character and aesthetic of the neighborhood.
- f. Designed open space shall be developed as an integral part in the overall design scheme. Common rooftop open space is encouraged. Balconies fronting on Newark Avenue are prohibited.
- g. Apartment buildings shall limit retail sales activities to the ground floor, mezzanine, and second floor, and provide separate ingress and egress for the residential uses.
- ~~h. One and two family townhouses and rowhouses shall be defined as attached structures in a row of similar structures containing one or two dwelling units.~~
- i. Offices as a home occupation shall be defined as places for the transaction of business where reports are prepared, records kept, and services rendered, but where no retail sales are offered, and shall be limited to licensed doctors, lawyers, architects, engineers and planners.

- j. Display windows: All retail uses shall have display windows constituting a minimum of seventy percent (70%) glass, open to the street, and the bottom edge of the display window(s) shall be no more than four (4) feet in height above grade. The glass is to be clear and not tinted; film to block ultra-violet sunlight is permitted provided that it is not tinted and does not obscure the view of the interior of the store from the sidewalk immediately adjacent. The name and/or logotype of the establishment are permitted to be applied to the window. All window frames shall be of a complementary color. Product displays and/or store signage should be appropriate for the product or service being sold, and should occupy no more than a reasonable area of the display window(s). The display window area shall allow for a clear view into the interior of the store.

- k. All roofs shall be flat. All roofs shall be internally drained and have parapets.

C) Maximum Height

No change

D) Area, Yard and Bulk

No Change

E) Minimum Off-Street Parking

No change

F) Minimum Off-Street Loading

No change

G) Signage

No change

H) Lighting

No change

I) Canopies/Awning

No change

J) Security Gates

No change

VIII. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

No change

IX. PROCEDURE FOR AMENDING THE APPROVED PLAN

No change

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.043

TITLE: 3.E MAR 25 2015 4.D

APR 08 2015

Ordinance of the Municipal Council of the City of Jersey  
City adopting amendments to the Village Redevelopment  
Plan to permit townhouses.

RECORD OF COUNCIL VOTE ON INTRODUCTION MAR 25 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING APR 08 2015 9-0											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE APR 08 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 25 2015  
Adopted on second and final reading after hearing on APR 08 2015

This is to certify that the foregoing Ordinance was adopted by  
the Municipal Council at its meeting on APR 08 2015

Robert Byrne  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

APR 08 2015

APPROVED:

Steven M. Fulop, Mayor

Date

APR 09 2015

Date to Mayor

APR 09 2015

City Clerk File No. Ord. 15.044

Agenda No. 3.F. 1st Reading

Agenda No. 4.E. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.044

**TITLE:**                    **A Franchise Ordinance granting permission to PUBLIC STORAGE, its successors and assigns, to make improvements in the First Street, Second Street, Provost Street and Warren Street right of way adjacent to the property located at 124-142 First Street, also known as Block 11503, Lot 1 on the Tax maps of the City of Jersey City, New Jersey.**

**WHEREAS**, Public Storage, (the "Petitioner") having offices at 499 Mill Road, Edison, New Jersey, 08837, is the owner of the property located at 124-142 First Street, Jersey City, also referred to as Block 11503, Lot 1 on the current tax maps of the city of Jersey City (the "Property"); and

**WHEREAS**, the Property is a Landmark and Petitioner applied for and obtained a Certificate of No Effect for the rehabilitation of the existing warehouse facility into a retail self-storage facility from the Jersey City Historic Preservation Commission (the "Project"); and

**WHEREAS**, the Property is located within the Powerhouse Arts District Redevelopment Plan and Petitioner applied for and obtained Preliminary and Final Major Site Plan Approval with variances from the Jersey City Planning Board for the Project; and

**WHEREAS**, the Project includes repair to the building façade, the loading docks, repair of the existing stairways, the construction of handicap-accessible ramps, the construction of new sidewalks, and the removal and replacement of the existing canopies; and (the "Improvements"); and

**WHEREAS**, several of the proposed Improvements are located within a portion of the First Street, Second Street, Provost Street, and Warren Street public right-of-way, which is more particularly depicted and described in the on the surveys prepared by Dresdner Robin attached hereto and made a part hereof as Exhibit A-1, B-1, and C-1 and accompanying Metes and Bounds descriptions prepared by Dresdner Robin attached hereto and made a part hereof as Exhibit A-2, B-2, and C-2, respectively; and

**WHEREAS**, the Improvements include repairs to the building façade, the loading docks, and the construction of new sidewalks along certain portions of the building to allow for more efficient pedestrian walkways; and

**WHEREAS**, the Petitioner is required to file the Petition for a Franchise Ordinance to make any private improvements within the public right-of-way; and

**WHEREAS**, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Public Storage, to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The improvements will include repairs to the building façade, the loading docks, repair of the existing stairways, the construction of handicap-accessible ramps, the construction of new sidewalks, and the removal and replacement of the existing canopies that will be located within a portion of the First Street, Second Street, Provost Street, and Warren Street public right-of-ways, respectively.
2. There will be sufficient area in the right-of-way for typical pedestrian use.
3. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

**WHEREAS**, the Jersey City Zoning Officer and the Building Department can approve the construction of the Improvements at the Property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

**WHEREAS**, a franchise ordinance is required to permit the construction of the Improvements within the public right-of-way; and

**WHEREAS**, by reason of the character of the development of the area within which this property is situated, and the use of the right-of-way by the public, the said Improvements will enhance the aesthetic character of the Property and greatly benefit Jersey City and the surrounding neighborhood; and

**WHEREAS**, the public interest will be served by said Improvements, which will be of great benefit to the citizens of Jersey City and Hudson County, and the rights of the public will not be injuriously or adversely affected by the requested relief; and

**NOW, THEREFORE BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

**SECTION 1:** Permission is hereby granted to Petitioner, their heirs and successors, to complete private improvements on the Property and portions of lands located within the public rights of way adjacent thereto, said areas more particularly depicted and described on the surveys prepared by Dresdner Robin attached hereto and made a part hereof as Exhibit A-1, B-1, and C-1 and accompanying Metes and Bounds descriptions prepared by Dresdner Robin attached hereto and made a part hereof as Exhibit A-2, B-2, and C-2, respectively.

1. The improvements include repair to the building façade, the loading docks, repair of the existing stairways, the construction of handicap-accessible ramps, the construction of new sidewalks, and the removal and replacement of the existing canopies that will be located within the First Street, Second Street, Provost Street, and Warren Street public right-of-way.
2. There will remain sufficient area in the right-of-way for typical pedestrian use.
3. The improvements will be constructed consistent with the Plans approved by the Planning Board of the City of Jersey City, the Historic Preservation Commission and Building Department.
4. All costs associated with these improvements will be incurred by the Petitioner.
5. The improvements are necessary for the rehabilitation of the Project consistent with the development approvals and will greatly benefit the Petitioner's property and the surrounding neighborhood.

**SECTION 2:** All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code



requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction.

**SECTION 3:** This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one year prior to the date of cancellation.

**SECTION 4:** Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer their rights under this Franchise Ordinance.

**SECTION 5:** In accepting the privileges under this ordinance and in the maintenance and the use herein authorized, Petitioner, their successors and/or assigns shall agree to assume full, complete, and undivided responsibility for any and all injury and damages to persons or property by reason of such maintenance and use and to indemnify and hold the City of Jersey City harmless from any injury or damage to persons or property by reason of such maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance.

- a) Petitioner, their successors and/or assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey, its officers and employees as additional insured, covering the use and occupancy of the franchise portion of Second Street. Petitioner shall carry a Two Million Dollar (\$2,000,000.00) General Liability Insurance policy, or in such amount and type as the City's Risk Manager may reasonably require from time to time, and in a form deemed acceptable to the City's Risk Manager, which shall be delivered to the Risk Manager before undertaking private improvements to the Property subject to this Franchise Ordinance. Before commencing the Project, Petitioner shall furnish the City certificates of such insurance upon execution of this Petition, and the City of Jersey City, its agents, servants shall be named as additional named insured.

**SECTION 6:** After construction, there shall remain no damage to the area or interference with the free and safe flow of pedestrians. The Petitioner shall maintain all improvements installed by them for the entire term of the franchise at no cost to the City of Jersey City.

**SECTION 7:** The costs and expenses incidental to the introduction, passage and publication of this Ordinance shall be paid by the Petitioner.

**SECTION 8:** The Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk.

**SECTION 9:** In the event that the Petitioner shall not file with the City Clerk, their acceptance, in writing, of the provisions of this Ordinance within thirty (30) days after receiving notice of its passage, this Ordinance shall become void and be of no effect,

**SECTION 10:** For the Franchise herein granted, the Petitioner shall pay annually to the City of Jersey City the sum of ONE DOLLAR (\$1.00), which payment shall be made in advance to the City Finance Director, at his/her office in City Hall, on the first day of January in each year after this Ordinance becomes effective and remains in force.

**SECTION 11:** This Franchise Ordinance shall be subject to the following conditions

- a) An easement upon the portion of the Property subject to this Franchise Ordinance is hereby reserved for the benefit of the City of Jersey City and all public utility companies for the benefit of the City of Jersey City and all public utility companies for the purpose of operating, maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or in any way relating to the City of Jersey City's, or public utility companies', use or operation of water, sewer or utility lines.
- b) No building or structure of any kind may be construed over the water or sewer utilities within the area subject to this franchise without the consent of the Chief Engineer of the City of Jersey City.
- c) The petitioner shall submit to the City no later than 30 days from the adoption hereof, a written acknowledgement that the purported lease dated October 21, 1996 in which the JCPA "leased" 15 on street parking spaces on the public right of way to S Barger Import and Manufacturing Corp. and it's successors, is void and of no force and effect whatsoever or for any purpose.
- d) All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- B) This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- C) This Ordinance shall take effect at the same time and in the manners provided by law.
- D) The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of the existing provisions.

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Business Administrator

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15, 044  
TITLE: 3.F MAR 25 2015 4.E APR 08 2015

A Franchise Ordinance granting permission to Public Storage, its successors and assigns, to make improvements in the First Street, Second Street, Provost Street and Warren Street right of way adjacent to the property located at 124-142 First Street, also known as Block 11503, Lot 1 on the tax maps of the City of Jersey City, New Jersey

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">MAR 25 2015 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">APR 08 2015 9-0</span>											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>RIVERA</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">APR 08 2015 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 25 2015  
Adopted on second and final reading after hearing on APR 08 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 08 2015

Robert Byrne  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED: [Signature]  
Rolando R. Lavarro, Jr., Council President  
Date APR 08 2015

APPROVED: [Signature]  
Steven M. Fulop, Mayor  
Date APR 09 2015  
Date to Mayor APR 09 2015

City Clerk File No. Ord. 15.045

Agenda No. 3.6 1st Reading

Agenda No. 4.F 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.045

TITLE:

### AN ORDINANCE AMENDING CHAPTER 160 (FEES AND CHARGES), SECTION E (ANIMALS) TO INCREASE FEES FOR DOG LICENSES

**WHEREAS**, in order to effectuate the City's responsibility to provide for the health, safety, and welfare of the City's population, the Municipal government, through its various executive branch departments, issues licenses to allow for the ownership of certain types of animals; and

**WHEREAS**, the respective executive branch departments charge fees for the issuance of these licenses and for inspections pursuant to these licenses; and

**WHEREAS**, the fee schedule must be updated to reflect the increasing cost of issuing and enforcing animal licensing requirements.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the following section of Chapter 160 should be amended to read:

#### **E. Chapter 90, Animals.**

(1) License to keep pigeons, chickens or other poultry: \$50.00.

(2) Dog license fees shall be as follows:

a. Annual licenses:

Neutered dogs, ~~\$8.00~~ \$10.00 per dog.

Unneutered dogs, ~~\$12.00~~ \$20.00 per dog.

b. Three-year licenses:

Neutered dogs ~~\$20.00~~ \$25.00 per dog.

Unneutered dogs ~~\$30.00~~ \$50.00 per dog.

c. Late Fee - 30 days over May 1, \$5.00.

d. Annual License Fees - Kennel/Dog Day Care:

10 dogs or less, \$10.00.

More than 10 dogs, \$25.00.

e. Annual License Fee - Pet Shop, \$10.00 plus any state fees.

f. Shelter or Pound, no fee.

AN ORDINANCE AMENDING CHAPTER 160 (FEES AND CHARGES), SECTION E  
(ANIMALS) TO INCREASE FEES FOR DOG LICENSES

- (3) Registration fee: \$1.00.
- (4) Animal Population Control Fund fee: \$3.00 per license.
- (5) Pilot Clinic Fund fee: \$0.20 per license.
- (6) Registration fee for exotic, nongame or potentially dangerous species of wildlife:  
\$50.00.
- (7) Dog declared by the municipal court to be a "potentially dangerous dog" as defined in  
N.J.S.A. 4:19-23: \$500.00.

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect in the manner as provided by law.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

**Note:** All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH 3/13/15

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Business Administrator

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

**AN ORDINANCE AMENDING CHAPTER 160 (FEES AND CHARGES), SECTION E (ANIMALS) TO INCREASE FEES FOR DOG LICENSES**

**Initiator**

Department/Division	Health & Human Services	Administrative Unit
Name/Title	Margaret DeVico	Policy & Communications Coordinator
Phone/email	(201) 547 6517	mdevico@jenj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

The schedule of Health & Human Services' permitting fees was updated in 2014, but the dog licensing fees were not included in this revision. This ordinance increases dog licensing fees to reflect the operating cost of the Animal Control unit.

In addition, this ordinance creates a fee for owners of "potentially dangerous dogs," which is intended to be a deterrent to current or prospective owners of dogs who pose a safety risk to humans or other dogs. The status of "potentially dangerous" is determined by the Jersey City Municipal Court.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

3/16/2015  
Date



LexisNexis (TM) New Jersey Annotated Statutes

\*\*\* This section is current through New Jersey 216th Legislature \*\*\*

Second Annual Session, L. 2015, c. 3

N.J. Constitution current through November 2014 election

**TITLE 4. AGRICULTURE AND DOMESTIC ANIMALS**

**CHAPTER 19. DOGS, TAXATION AND LIABILITY FOR INJURIES CAUSED BY [AND KENNELS, PET  
SHOPS, SHELTERS, POUNDS; ANIMAL CONTROL]**

**ARTICLE 3. INJURY**

**GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY**

N.J. Stat. § 4:19-23 (2015)

§ 4:19-23. Dog declared potentially dangerous; conditions

a. The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:

(1) caused bodily injury as defined in N.J.S. 2C:11-1(a) to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person, or

(2) severely injured or killed another domestic animal, and

(a) poses a threat of serious bodily injury or death to a person; or

(b) poses a threat of death to another domestic animal, or

(3) has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

b. A dog shall not be declared potentially dangerous for:

(1) causing bodily injury as defined in N.J.S. 2C:11-1(a) to a person if the dog was provoked, or

(2) severely injuring or killing a domestic animal if the domestic animal was the aggressor.

For the purposes of paragraph (1) of this subsection, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

**HISTORY:** L. 1989, c. 307, § 7; amended 1994, c. 187, § 4; 2002, c. 24, eff. June 11, 2002.

**NOTES:**

Cross References:

Definitions, see 4:19-18.

LexisNexis (R) Notes:

## CASE NOTES

1. Under the Vicious and Potentially Dangerous Dog Act, N. J. Stat. Ann. § 4:19-17 et seq., a dog is deemed vicious if it kills a person or causes serious bodily injury as defined in N. J. Stat. § 2C:11-1(b); however, a dog shall not be declared vicious for causing death or serious injury to a person if the dog was provoked; a dog shall be found to be potentially dangerous if it causes bodily injury to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person. *State v. Smith*, 295 N.J. Super. 399, 685 A.2d 73, 1996 N.J. Super. LEXIS 411 (Law Div. 1996).

2. Vicious and Potentially Dangerous Dog Act (Act), N. J. Stat. Ann. § 4:19-17 et seq., adopts the clear and convincing evidence standard as the threshold for finding a dog vicious under N. J. Stat. Ann. § 4:19-22 or potentially dangerous under N. J. Stat. Ann. § 4:19-23; unlike other state regulatory-type statutes, which require proof beyond a reasonable doubt in order to adjudge guilt, the act cannot be characterized as quasi-criminal. *State v. Smith*, 295 N.J. Super. 399, 685 A.2d 73, 1996 N.J. Super. LEXIS 411 (Law Div. 1996).



# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.045

TITLE: 3.G MAR 25 2015 4.F APR 08 2015

An ordinance amending Chapter 160 (Fees and Charges) Section E (Animals) to increase fees for dog licenses.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">MAR 25 2015 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">APR 08 2015 9-0</span>											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

JAYSON BURG  
WILLIAM DORRITY  
DAN SICARDI  
YVONNE BALCAR

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson <u>                    </u> moved to amend* Ordinance, seconded by Councilperson <u>                    </u> & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">APR 08 2015 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 25 2015  
Adopted on second and final reading after hearing on APR 08 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 08 2015

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

APR 08 2015

APPROVED:

Steven M. Fulop, Mayor

Date

APR 09 2015

APR 09 2015

Date to Mayor

City Clerk File No. Ord. 15.046

Agenda No. 3.H 1st Reading

Agenda No. H.G. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.046

TITLE:

**AN ORDINANCE AMENDING (1) CHAPTER 3, (ADMINISTRATION OF GOVERNMENT) ARTICLE V, (OFFICE OF THE CITY CLERK) SECTION 39 (STANDARDS FOR NAMING STREETS AND MUNICIPALLY OWNED PROPERTY) TO AMEND THE STANDARDS FOR NAMING STREETS AND INCLUDE STANDARDS FOR STREET NAME SIGNAGE AND STREET VACATIONS AND (2) AMENDING CHAPTER 345, (ZONING) ARTICLE III (APPLICATION REQUIREMENTS, DEVELOPMENT PROCEDURES AND CHECKLISTS) TO REQUIRE THAT ALL APPLICATIONS FOR SITE PLAN AND SUBDIVISION APPROVAL CONFORM TO THE STREET NAMING PROCEDURES AS SET FORTH IN CHAPTER 3 SECTION 39**

COUNCIL

offered and move adoption of the following Ordinance:

**WHEREAS**, the City of Jersey City has established uniform criteria for the naming, renaming or commemorative designation of streets and municipally owned property; and

**WHEREAS**, the City of Jersey City has an interest in ensuring that the criteria for naming, renaming or commemorative designation of streets and municipally owned property be a high standard so as to protect the integrity of the City;

**WHEREAS**, the City of Jersey City has an interest in ensuring that any new street proposed as part of a Site Plan or Subdivision Plan application shall conform to the standards for naming new streets as set forth in §3-39; and

**WHEREAS**, it has become apparent that minor amendments to the City's street and municipally owned property naming protocol and the City's zoning standards are necessary so as to effectuate the purpose of providing uniform criteria for the naming of new streets within the City.

**THEREFORE**, the City Council of the City of Jersey City **HEREBY ORDAINS THAT** Chapter 3, (Administration of Government) Article V, (Office of the City Clerk) Section 39 (Standards for Naming Streets and Municipally Owned Property) be amended to read:

### **§ 3-39. STANDARDS FOR NAMING STREETS AND MUNICIPALLY OWNED PROPERTY**

#### **A. DEFINITIONS**

"Designation" means providing an additional, commemorative name designation, subordinate to the original name designation, of a public thoroughfare over which the City has jurisdiction.

"Municipal Council Street-Name Subcommittee" means the ad hoc subcommittee charged with reviewing applications for commemorative street names and identifying a list of pre-approved names for new streets to be constructed in Jersey City.

"Municipally Owned Property" means (a) Buildings and Structures, including overpasses, bridges and viaducts and any similar structure; (b) Real Property, including open spaces and parks; and (c) Interior features of any Municipally Owned Property.

"Naming" means providing an original name designation to a public thoroughfare over which the City has jurisdiction.

"Renaming" means changing an original name designation of a public thoroughfare over which the City has jurisdiction to a different name.

"Streets" as referenced in this section shall means any public or private thoroughfare that permits public access either for pedestrian travel, vehicular travel or both, including, but not limited to, those public thoroughfares known as streets, avenues, lanes, and boulevards.

## **B. PROCEDURE FOR COMMEMORATIVE DESIGNATION OF STREETS**

1. Any person or organization seeking a commemorative street name designation shall file a Commemorative Street Designation Request Form with the City Clerk. The completed form shall include the requested name to be commemorated, the reason for the commemoration, the existing street number or name, the length of the requested commemorative designation, i.e. Montgomery Street from West Side Avenue to Bergen Avenue, and the exact number of commemorative street signs to be added.

In the case of a commemorative street designation honoring an individual or an organization, all supporting documentation used to support an application to honor that individual or organization must be authenticated and must be attached to the application.

In the case of a commemorative street designation honoring an individual, the applicant seeking the commemorative designation must conduct an independent background check on the individual, if possible, before submitting a request to dedicate the street. The cost of the background check must be borne by the applicant.

2. The Commemorative Street Designation Request Form shall be accompanied by a petition signed by at least seventy-five percent of the recorded property owners on the street proposed for the commemorative designation, and should include written letters of support or recommendation from applicable community groups. If the applicant is looking to designate a corner of a street, then the application must be accompanied by a petition signed by all recorded property owners within a two-hundred (200) foot radius of the corner proposed for the commemorative designation. Such a request should also include written letters of support or recommendation from applicable community groups.
3. The City Clerk shall refer the completed Commemorative Designation Request Form, with completed petitions and all additional supplemental materials to the Street-Name Subcommittee which will consist of three (3) Municipal Council representatives or their designees, one (1) of whom will be the ward Councilperson in whose ward the street to be designated is located, the Director of City Planning or his or her designee, the Director of Cultural Affairs or his or her designee, the Director of Public Safety or his or her designee and the Mayor or his or her designee. The Subcommittee will meet as necessary to review commemorative street name applications. If the request is approved by the

Subcommittee, the application will be brought before the Municipal Council for final approval.

4. If approved, signs identifying the commemorative name designation shall be placed underneath the primary street name sign.

#### **C. STANDARDS FOR COMMEMORATIVE DESIGNATION**

1. The authority to designate any street or municipally owned property in Jersey City shall remain solely with the Municipal Council.
2. A proposed commemorative name shall meet all applicable standards and requirements established by Sections C(2)(b) of this section, provided however, that if for any reason the requesting party cannot meet these standards, a letter requesting a waiver of these standards, showing a good cause justification therefore, shall be provided by the requestors.

- a. A proposed commemorative street or municipally owned property designation shall:

- (1) Honor a person, organization, corporation, foundation, or similar entity that has made a significant contribution to the City of Jersey City; or
- (2) Reflect the geographic location, community, and the unique characteristics of the area or neighborhood; or
- (3) Recognize the historical significance of the area or neighborhood.

- b. Requirements

The following standards shall apply to the review and approval of any proposed commemorative name:

- (1) Prospective individual honorees should have a minimum of 15 years of community involvement and should have demonstrated an extraordinary and consistent commitment and dedication to Jersey City. Prospective organizational honorees must have a minimum of 30 years of community involvement in Jersey City.
- (2) Prospective organizational honorees must be not-for-profit organizations.
- (3) If a proposed commemorative street designation will recognize a prospective individual honoree, with rare exception, the individual must have been deceased for at least three (3) years.
- (4) The Subcommittee will not consider an application to designate a street for an individual or organization already honored in a similar fashion, i.e. a person or organization having a park, monument or public building already named after him or her in Jersey City.
- (5) A person, organization, foundation, or similar entity that has made significant contributions to the State of New Jersey or to the United States may be considered, but there should be, if possible, some relevant connection to Jersey City.
- (6) The Subcommittee may deny approval of an application at its sole discretion. If an application is denied by the Subcommittee, the original applicant may not reapply on behalf of the prospective honoree for five (5) years from the date of the denial.

- (7) Commemorative names should be unique, and unlikely to cause confusion or misunderstanding due to duplication of, or similarity with, an existing name, location, or other street name within Jersey City. Near duplications in spelling or street names that are phonetically similar to existing street names shall not be approved.
- (8) Street names shall not contain more than three (3) words or exceed seventeen (17) characters in length, including spaces between words and excluding the street type, i.e. "avenue" or "street".
- (9) No street can have more than two commemorative street designations.
- (10) If a portion of a street is proposed to be commemoratively designated, the designated portion shall begin and end at the intersections of major cross streets.
- (11) The cost of producing and installing appropriate signs designating the commemorative name shall be paid by the original requestors.

**D. STANDARDS FOR RE-NAMING EXISTING STREETS AND MUNICIPALLY OWNED PROPERTY**

The re-naming of streets and municipally owned property is discouraged and will only be allowed in exceptional circumstances such as the City Council finding it necessary for the protection of public health and safety. The new name shall and be considered within the context of the historical and or community significance of the existing name. New street names shall follow the requirements and protocol contained in Section E, Procedure for Naming New Streets and Section F, Standards for Naming New Streets.

**E. PROCEDURE FOR NAMING NEW STREETS**

- 1. The owner of record, after receipt of Site Plan or Subdivision approval for the streets creation, shall file a street naming request form with the City Clerk. The completed form shall include the requested name and documentation supporting the request.
- 2. The City Clerk shall refer the completed street dedication request form, and all additional supplemental materials to the Street-Name Subcommittee, which will consist of three (3) Municipal Council representatives or their designees, one (1) of whom will be the ward Councilperson in whose ward the street to be designated is located, the Director of City Planning or his or her designee, the Director of Cultural Affairs or his or her designee, the Director of Public Safety or his or her designee and the Mayor or his or her designee. The Subcommittee will meet as necessary to review street name applications. The make a recommendation on the application before the Municipal Council who shall accept, reject or amend making the final naming choice.
- 3. If approved, signs identifying the name designation shall be placed on the Street by the owner.
- 4. The street signs and their installation shall be consistent with the City's State approved standards.

**E. F. STANDARDS FOR NAMING NEW STREETS**

1. The authority for the naming new streets or municipally owned property buildings or structures constructed in Jersey City shall remain solely with the Municipal Council.
2. The Street-Name Subcommittee will identify fifty (50) potential names for the pre-approved street names list. A list of suitable names will be presented to the Departments of Planning and Public Safety for review within 120 days of the adoption of this Ordinance.
3. A final list of pre-approved street names will be presented to the Municipal Council within 30 days of being reviewed by the Departments of Planning and Public Safety.
4. The pre-approved list of suitable street names will be available in the Division of City Planning. The pre-approved list will contain names that honor people who have made significant contributions to the City of Jersey City, or names which reflect the history, geographic location or unique characteristics of Jersey City. Developers building new streets are to pick from the names on this pre-approved list.
5. Individuals seeking to designate a street may, at their discretion, ask instead that the Subcommittee add the commemorative name to the list of pre-approved street names.
6. If a developer constructing a new street does not wish to pick from the list of pre-approved street names, the developer may ask the Subcommittee for a waiver to submit his or her own suggested street name(s), but the authority to name City streets shall remain with the Municipal Council and the developer's suggested name(s) must conform with the requirements of Section C of this ordinance. The Subcommittee and the Municipal Council reserve the right to reject any proposed new street name.
7. Each new street must be named by separate Ordinance and as each name is chosen from the list of pre-approved street names, that name shall be removed from the list by the City Clerk. Once a name is chosen from the pre-approved street name list, that name shall not be reused for any other street.
8. In the event that the City vacates a street and the vacated street is intended to remain, either in whole or in part, as a vehicular thoroughfare, it shall be a condition of approval that the street name be selected from the pre-approved street name list.
9. Any new street, either public or private, created as part of a Site Plan or Subdivision shall be submitted by the project applicant to the Municipal Council for street naming. The authority for naming all streets, both public and private, shall remain solely with the Municipal Council.
10. In the case of a private street, the owner of record shall file a naming request with the Street Name Subcommittee.
11. All efforts should be made to complete this process before a street is opened for public access and mail begins to be delivered.
12. If the owner does not submit a request before the street is opened for public access, the Street Name Subcommittee shall submit one to the City Council for consideration.

**F. G. STANDARDS FOR NAMING NEW MUNICIPALLY OWNED PROPERTY**

1. The authority for the naming new municipally owned property constructed in Jersey City shall remain solely with the Municipal Council.

2. The City Council may choose to make its selection after receiving a written recommendation from any one of the city's advisory boards, including the Street-Name Subcommittee, or such other advisory board established for such purpose.
3. Such recommendation for naming a municipally owned property shall state how the proposed name(s) meet(s) with the criteria set forth in subsection C of this Chapter.
4. Each new municipally owned property must be named by separate Ordinance.
5. Upon approval of a name for a new municipally owned property, a copy of the Ordinance shall be forwarded to the Division of City Planning and Architecture for design of the appropriate signage and placement thereof.

#### **H. STANDARDS FOR COMMEMORATIVE STREET SIGNS**

To avoid confusion, the color scheme for commemorative street name signage shall be the inverse color scheme of the current street signs.

1. Standard street signage shall be green with white lettering and commemorative street signs shall be white with green lettering.
2. Street signs within historic districts shall be brown with white lettering and denote the name of the historic district in which the street runs though along the top edge. Commemorative street signs within a historic district shall be the inverse color scheme of the current street signs within the historic district and shall be white with brown lettering.
3. Commemorative street signs shall be six (6) inches lower than the actual street signs.

**THEREFORE BE IT ALSO ORDAINED THAT** Chapter 345, (Zoning) Article III, (Application Requirements, Development Procedures and Checklists) be amended to add:

#### **§345-21.1 Naming of New Streets within a Site Plan or Subdivision Plan Application**

Any new street proposed as part of a Site Plan or Subdivision Plan application shall conform to the standards set forth in §3-39 entitled Standards for Naming Streets and Municipal Property. Final approval of all street names shall rest with the Municipal Council.

**I.** All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**II.** This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

**III.** This ordinance shall take effect at the time and in the manner as provided by law.

**IV.** The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Business Administrator

**ORDINANCE FACT SHEET -- NON-CONTRACTUAL**

**Full Title of Ordinance**

AN ORDINANCE AMENDING (1) CHAPTER 3, (ADMINISTRATION OF GOVERNMENT) ARTICLE V, (OFFICE OF THE CITY CLERK) SECTION 39 (STANDARDS FOR NAMING STREETS AND MUNICIPALLY OWNED PROPERTY) TO AMEND THE STANDARD FOR NAMING STREETS AND INCLUDE STANDARDS FOR STREET NAME SIGNAGE AND STREET VACATIONS AND (2) AMENDING CHAPTER 345, (ZONING) ARTICLE III (APPLICATION REQUIREMENTS, DEVELOPMENT PROCEDURES AND CHECKLISTS) TO REQUIRE THAT ALL APPLICATIONS FOR SITE PLAN AND SUBDIVISION APPROVAL CONFORM TO THE STREET NAMING PROCEDURES AS SET FORTH IN CHAPTER 3 SECTION 39

**Initiator**

Department/Division	Housing Economic Development & Commerce	Division of Planning
Name/Title	Maryanne Buccì-Carter, PP, AICP	Supervising Planner
Phone/email	201-547-4499	maryannb@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

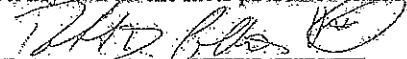
**Purpose**

This ordinance establishes a process where the Municipal Council Street Naming Subcommittee reviews all street naming proposals and sends a recommendation to the City Council for final determination. It sets forth uniform standards that apply to all publicly accessible streets, both public and private. The process utilizes the Street Name List established by the Subcommittee and also allow for owners of private streets to request a name for consideration.

This proposal protects the health and safety of residents and visitors to the City by establishing oversight and coordination in street naming thereby preventing duplication and confusion within the public realm. It establishes the authority for naming and re-naming all streets with the governing body of the City. In sum this ordinance will:

1. Establish uniform standards for the naming and re-naming of streets;
2. Have these standards apply to all publicly accessible streets, both public and private;
3. Protect the health and safety of residents and visitors to the City by having establishing oversight and coordination to prevent duplication and confusing within the public realm and
4. Insure that the authority for naming and re-naming streets, both public and private, remains with the governing body of the City.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

March 18, 2015  
Date



# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.046

TITLE: 3.H MAR 25 2015 4.G APR 08 2015

An ordinance amending (1) Chapter 3, (Administration of Government) Article V, (Office of the City Clerk) Section 39 (Standards for naming streets and municipally owned property) to amend the standards for naming streets and include standards for street name signage and street vacations and (2) Amending Chapter 345 (Zoning) Article III (Application Requirements, development procedures and checklists) to require that all applications for site plan and subdivision approval conform to the street naming procedures as set forth in Chapter 3 Section 39.

RECORD OF COUNCIL VOTE ON INTRODUCTION MAR 25 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING APR 08 2015 9-0											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

YVONNE BALGER  
JAIME VAZQUEZ

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE MAR 25 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 25 2015  
Adopted on second and final reading after hearing on APR 08 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 08 2015

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

APR 08 2015

APPROVED:

Steven M. Fulop, Mayor

Date

APR 09 2015

Date to Mayor

APR 09 2015